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INTELLECTUAL PROPERTY  
402-391-4448

November 25, 2007

10328 PINEHURST AVE.  
OMAHA, NEBRASKA 68124

Commissioner for Patents  
Box: 1450  
Alexandria, VA 22313-1450

RE: APPLICATION OF WELCH TITLED: "METHOD OF PROVIDING AUDIO  
FORMAT PROFESSIONAL INFORMATION UPDATE SERVICE FOR PAYMENT,  
VIA INTERNET";  
SERIAL NO.: 10/796,162;  
FILE DATE: 03/09/2004;  
ART UNIT: 3625;  
EXAMINER: POND, R.

RESPONSE TO OFFICE ACTION

Dear Sir;

I am in receipt of an Action dated 11/16/2007 regarding the identified Application.

The Examiner has withdrawn the prior Rejection which was based on Darago et al. 6,170,014 and Allison 6,546,230, (which do not remotely suggest the sequence of steps in the Present Claims), in view of Law Cast, (which it is noted teaches away from using the computers, hence the Internet for distribution). The Examiner states that rejections based on Darago et al. 014 and Allison 230 and Lawcast are moot, and presents a new basis of rejection based on additional newly identified references.

(NOTE---Am I missing a new Lawcast reference that does not teach away from distribution over the Internet as does the previously cited Lawcast materials? The Examiner identifies reference "V" as regarding Lawcast in the present Action, but I find reference "V" is regarding Audible.com and has nothing to do with Lawcast. I find no new Lawcast materials accompanying the present Action. A copy of the Examiner's Information Disclosure which accompanied the recent Action is attached (Attachment "A") to the Response to demonstrate that no new Lawcast materials are identified thereby).

TO PROVIDE A MINDSET AT THIS POINT:

THE EXAMINER HAS NOT PROVIDED CITE TO ANY REFERENCE THAT  
SIMULTANEOUSLY IN COMBINATION:

OBVIATES THE SEQUENCE OF STEPS IN THE PRESENTLY PENDING  
CLAIMS, (NO REFERENCE DOES THAT)---

AS APPLIED TO PERIODICALLY UPDATED AUDIO FORMAT

CONTINUING PROFESSIONAL EDUCATION IN TOPICAL  
CATEGORIES---

WHICH IS MADE AVAILABLE TO CLIENTS VIA ACCESSING A  
WEBSITE---

WHICH TOPICAL UPDATES, THE INFORMATION PROVIDER  
REPRESENTS TO CLIENTS WILL BE CONTINUED A MULTIPLICITY  
OF TIMES.

THE CITED MATERIALS SIMPLY DO NOT DISCLOSE OR SUGGEST HOW  
THE SEQUENCE OF STEPS IN THE PRESENTLY PENDING CLAIMS,  
(WHICH WERE WORD FOR WORD DIRECTLY COPIED INTO THE PRESENT  
ACTION FROM APPLICANT PROVIDED MATERIALS WITHOUT EXPLANATION  
AS TO HOW THE SEQUENCE OF STEPS WAS ARRIVED AT OTHER THAN BY  
BEING COPIED FROM THE PRESENT APPLICATION OR PRIOR OFFICE  
ACTION RESPONSE BY THE APPLICANT), NOR DO THE CITED  
MATERIALS PROVIDE SUFFICIENT DISCLOSURE AND GUIDANCE AS TO  
HOW TO ARRIVE AT THE SPECIFIC CONTENT OF EACH STEP BY  
ACCEPTING AND MODIFYING SOMEHOW SIMILAR CONTENT IN THE CITED  
MATERIALS AND NOT OTHER CONTENT THEREIN. THE NEWLY CITED  
MATERIALS DO NOT OBTAIN THE PRESENT INVENTION METHODOLOGY  
ANY MORE THAN DID THE NOW MOOT LAWCAST MATERIALS AND THE  
ALLISON 230 AND DARAGO ET AL. 014 PATENTS! EXAMINER CITED  
REFERENCES "DANCE" ALL AROUND WHAT IS PRESENTLY CLAIMED BUT  
INCLUDE MANY RED HERRINGS IN VIEW OF WHAT IS PRESENTLY  
CLAIMED WITHOUT ANY INSTRUCTIONS AS HOW TO SORT IT ALL OUT,  
HENCE DO NOT REMOTELY OBTAIN THE PRESENT INVENTION.  
FURTHER, AS THE KSR CASE WAS BASED ON AN ABSOLUTELY DAMNING  
FACT SCENARIO AND CONCERNED A SYSTEM/APPARATUS CLAIM, ITS  
AUTHORITY IS VERY QUESTIONABLE AS REGARDS THE PRESENTLY  
PENDING METHOD CLAIMS. THERE IS NO TESTING OF ITS VALIDITY  
BEYOND THE FACTS IN THAT CASE EVEN AS REGARDS SYSTEM/  
APPARATUS CLAIMS, TO WHICH FACTS I BELIEVE IT WILL EVENTUALLY  
BE LIMITED AS NEW CASES ARE REASONABLY DECIDED.

Sincerely,

JAMES D. WELCH

JW/hs

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH  
THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR  
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR  
PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE  
INDICATED BELOW.

JAMES D. WELCH

11/26/07  
DATE